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LAW OFFICES

SHOOK, HARDY & BACON LLP

BUENOS AIRES
GENEVA
HOUSTON
KANSAS CITY
LONDONHAMILTON SQUARE
600 14TH STREET, NW, SUITE 800
WASHINGTON, D.C. 20005-2004
TELEPHONE (202) 783-8400 • FACSIMILE (202) 783-4211MIAMI
OVERLAND PARK
SAN FRANCISCO
TAMPA
ZURICH

July 18, 2001

EX PARTEMs. Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Room TW-A325
Washington, D.C. 20554**RECEIVED**
JUL 18 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**Re: ET Docket No. 00-258 /**
Allocation of Spectrum for Advanced Wireless Services

Dear Ms. Salas:

The Catholic Television Network ("CTN") submits these *ex parte* comments in response to the July 13, 2001 letter from Verizon Wireless to the Honorable Michael K. Powell regarding the above-referenced proceeding.¹ Among other things, Verizon states that it is "premature" for the Commission to eliminate the 2500-2690 MHz band from further consideration as a possible home for third generation ("3G") mobile services.² CTN disagrees vigorously with Verizon's position, and wishes to highlight several important facts that are conveniently ignored by Verizon.

First, Verizon ignores the fact that the 2500-2690 MHz band has already been studied extensively by the Commission staff. That study culminated with a Final Report released on March 31, 2001, which demonstrates conclusively that no portion of the 2500-2690 MHz band should be reallocated for 3G.³ After so many months of analysis and study, it is ridiculous for Verizon to now argue that removal of this band from consideration is premature.

¹ Letter from John T. Scott, III, Vice President & Deputy General Counsel for Regulatory Law, Verizon Wireless, to the Honorable Michael K. Powell (July 13, 2001) ("Verizon Letter").

² *Id.* at 3.

³ Spectrum Study of the 2500-2690 MHz Band: The Potential for Accommodating Third Generation Mobile Systems," Final Report, ET Docket No. 00-232, DA 00-2583, rel. Mar. 30, 2001 ("Final Report") at ii-iii. ("There is no readily identifiable alternate frequency band that could accommodate a substantial relocation of the incumbent operations in the 2500-2690 MHz band ... Implementation of either the segmentation or relocation options would significantly affect deployment of and impose considerable costs on ITFS/MDS").

Second, Verizon's position ignores the fact that continued regulatory uncertainty makes it difficult, if not impossible, for new commercial operators to raise the capital required for deployment of fixed broadband wireless services in the 2500-2690 MHz band. This, in turn, jeopardizes important educational initiatives that are underway to use the band as a technology tool to improve academic achievement. This danger was recently recognized by Commissioner Abernathy who stated that, "... in assessing the MMDS/ITFS bands, I believe that regulatory certainty is extremely important . . . This is true for all industry groups, but particularly for those that are still growing and dependent on start-up capital . . . we owe you a prompt decision to eliminate the cloud that hangs over this spectrum."⁴

Third, Verizon's letter is simply another attempt to derail the deployment of a service that will undoubtedly compete with Verizon's own DSL service. Such a self-serving motive hurts competition and is contrary to the Commission's longstanding efforts to encourage the deployment of fixed broadband services.⁵ The Commission should not let the business motives of a single company deny the benefits of broadband deployment to thousands of educational institutions and millions of students throughout the United States.

Verizon states that "sound spectrum policy" requires that a 3G band plan first be developed before the 2.5 GHz band is eliminated from further consideration for reallocation.⁶ CTN disagrees. The Commission has fostered and encouraged investment in the 2.5 GHz band for many years. Reaffirming the use of the 2.5 GHz band for advanced fixed wireless services is a *sound spectrum policy* that will eliminate market uncertainty and bring renewed credibility to the Commission's spectrum management decisions. CTN urges the Commission to act quickly to eliminate the 2.5 GHz band from further consideration as a candidate band for 3G services.

Please include a copy of this *ex parte* presentation in the record for the above-captioned proceeding. In accordance with Section 1.1206 of the Commission's rules, an original and a copy of this letter are being filed with the Secretary's office.

⁴ FCC Commissioner Kathleen Q. Abernathy, Speech at the 14th Annual Wireless Communications Association, Boston, Massachusetts (June 22, 2001).

⁵ See Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Service to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems, ET Docket No. 00-258, *Memorandum Opinion and Order*, DA 01-842, ¶ 8 (Mass Media Bureau, April 4, 2001) (denying Verizon's petition to suspend the processing of pending ITFS/MDS applications for two-way authority on the basis such action would delay the introduction of new competition and services and thus, contrary to the public interest).

⁶ Verizon Letter at 3.

Ms. Magalie Roman Salas, Esq.
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SHOOK, HARDY & BACON LLP

Respectfully submitted,

THE CATHOLIC TELEVISION NETWORK



By: Edwin N. Lavergne, Esq.
Henry M. Rivera, Esq.
Edgar Class III, Esq.
Shook, Hardy & Bacon, LLP
600 14th Street, N.W., Suite 800
Washington, D.C. 20005-2004
Telephone: (202) 783-8400

July 18, 2001

cc: The Honorable Michael K. Powell
The Honorable Gloria Tristani
The Honorable Katherine Abernathy
The Honorable Michael Copps
The Honorable Kevin Martin
Peter Tenhula
Adam Krinsky
Bryan Tramont
Jordan Goldstein
Samuel Feder
Donald Abelson
Thomas Sugrue
Julius Knapp
Geraldine Matise
Bruce Franca
Dr. Robert Pepper
John T. Scott, III